IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.2727 of 2001

1.The State of Tamil Nadu
rep. by its Commissioner and
Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

2.The Special Tahsildar,
(Land Acquisition)
Neighbourhood Scheme,
Ganesapuram, Namakkal. .. Appellants/Respondents

Vs.

K.S.Narayanan .. Respondent/Petitioner

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 08.08.1994 made in W.P.No.6647 of 1987.

For Appellants : Mr.M.Dhandapani,
Addl. Government Pleader

For Respondent : Mr.R.Subramanian for
Mr.K.Jayaraman

WEB COPY

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal has been filed against the order of the learned single Judge dated 08.08.1994 made in W.P.No.6647 of 1987, in and by which, the learned single Judge quashed the acquisition proceedings on the simple ground that no notice was served on the petitioner and

https://hcservices.ecourts.gov.in/hcservices/

notification under Section 4(1) of the Tamil Nadu Land Acquisition Act (hereinafter referred to as "the Act") was issued in the name of his vendor.

2. Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondents.

3. It is not in dispute that notification under Section 4(1) of the Act was published in the Tamil Nadu Government Gazette on 24.11.1982. It is the stand of the respondent/writ petitioner that he along with others purchased the property from his vendor on various dates viz., on 5.06.1981, 17.06.1981 and 06.07.1981. It is also his claim that on 30.08.1982, by an order of the Deputy Tahsildar, Salem, revenue records were corrected and his name was inserted in the place of his vendor. The learned counsel appearing for the respondent has also produced the copy of the order passed by the Deputy Tahsildar dated 30.08.1982 effecting mutation in the revenue records. In such circumstances, though the erstwhile land owner, who appeared in the enquiry under Section 5 of the Act did not inform the details regarding the sale of the land to the respondent/writ petitioner, in view of the mutation of the revenue records even as early as on 30.08.1982, and the notification under Section 4(1) of the Act was published nearly after three months i.e. on 24.11.1982, it is but proper on the part of the Land Acquisition Officer to verify the revenue records before effecting publication.

4. Learned Additional Government Pleader has brought to our notice that since the proposal was initiated even in the month of February, 1982, the revenue records prevailing at the relevant time were verified and notice was issued in the name of the vendor of the writ petitioner. Though the proposal was earlier in point of time, it is but proper on the part of the Land Acquisition Officer, to verify the land records immediately before issuance of notice under Section 4(1) of the Act. The same was correctly stated by the learned single Judge and that he rightly quashed the acquisition proceedings. In fact the learned single Judge, after allowing the writ petition, permitted the Government

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

authorities to comply with the requirement of law and to take fresh action in conformity with the notice issued under Section 4(1) of the Act.

5. In the light of the reasoning of the learned single Judge and in view of the factual details referred to above, we do not find any valid ground for interference. Accordingly, the writ appeal fails and the same is dismissed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner and
Secretary to Government,
State of Tamil Nadu
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

2.The Special Tahsildar,
(Land Acquisition)
Neighbourhood Scheme,
Ganesapuram, Namakkal.

+ ONE CC TO MR./ K. JAYARAMAN, ADVOCATE SR NO. 26858
+ ONE CC TO THE GOVERNMENT PLEADER SR NO. 26732

TEJ(CO)
NM(03.07.2006)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/